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**Criminal Justice & Corrections  
Committee**

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**HB 2556**

**Brief Description:** Studying criminal background check processes.

**Sponsors:** Representatives O'Brien, Kagi, Carrell, Upthegrove, Miloscia, Lovick and Moeller.

**Brief Summary of Bill**

- Requires the Washington Association of Sheriffs and Police Chiefs and the Washington State Patrol to conduct a study on how to improve the criminal background check process.

**Hearing Date:** 1/30/04

**Staff:** Yvonne Walker (786-7841).

**Background:**

The Washington State Patrol (WSP) is authorized to disclose criminal background checks of applicants and employees to any business or organization in Washington that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, mentally ill persons, or children under 16 years of age, including but not limited to public housing authorities, school districts, and educational service districts. The business or organization making the inquiry to the WSP or a federal law enforcement agency, must notify the applicant who has been offered a position as an employee or volunteer, that a background inquiry may be made.

The Legislature finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees to hire. In these cases, the WSP may also disclose, upon request of a developmentally disabled person or a vulnerable adult or his or her guardian, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation (but only if the victim is a vulnerable adult), adjudications of child abuse in a civil action, and any issuance of a (vulnerable adult) protection order.

Law enforcement agencies, the Office of the Attorney General, prosecuting authorities, and the Department of Social and Health services may also request background check information to aid in the investigation and prosecution of a child, developmentally disabled person and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

## **Summary of Bill:**

The Legislature finds that criminal background checks for employment purposes are rapidly increasing and as a result, the current processes are not adequate to keep pace with the growing demand. Without adequate processes to encourage receiving results on a timely basis, a public risk is created.

The Washington Association of Sheriffs and Police Chiefs, in consultation with the WSP, must conduct a study on criminal background checks. The study must focus on how Washington can reduce delays in the criminal background check processing time, and how it can make criminal background checks more accessible and efficient.

The study must include, but is not limited to:

- A review and analysis of the criminal background check programs in states that have recently implemented or are soon to implement comprehensive criminal background check programs;
- Recommendations on how a comprehensive criminal background check program should be designed in Washington, and how much it would cost to implement such a comprehensive program;
- A review of how a comprehensive criminal background check program could be paid for in Washington, which includes a determination on whether the program could be funded solely by user fees;
- A review of the benefits and obstacles of implementing a criminal background check program similar to the National Child Protection Act of 1993, which increased the availability of criminal background checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities; and
- Upon completion of the review of the National Child Protection Act, recommendations on how Washington can make criminal background checks readily available to Washington employers.

The findings and recommendations from the study must be presented to the Legislature no later than December 31, 2004.

The act expires December 31, 2004.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2004.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.